

**Remarks**

**A. Claims In The Case**

Claims 1 – 19 are rejected. Claims 1, 5-10, and 14-19 have been amended. Claim 20 has been added. Claims 1 – 20 are pending in the case.

**B. 35 U.S.C. §102 Rejections**

Claims 1-9 are finally rejected under 35 U.S.C. § 102(e) as being anticipated by Ramsey et al. (U.S. Patent 6,133,556) (hereinafter “Ramsey”). Applicant respectfully disagrees with the rejections.

Ramsey does not disclose, teach, or suggest at least “[a] computer mouse or trackball comprising: a heating element” as recited in claim 1. The Examiner points to Ramsey at figures 2-4, however, figures 2-4 show a device that “is especially adapted for placement on a work surface adjacent a computer keyboard (emphasis added) (Ramsey, col. 2, lines 48-50).” With respect to FIG. 3, Ramsey states the “device may be placed on a work surface adjacent a mouse pad... (emphasis added) (Ramsey, col. 5, lines 30-32).” Ramsey does not suggest a computer mouse or trackball comprising a heating element. Instead, Ramsey teaches heating pads placed adjacent to peripheral devices. Applicant respectfully asserts claim 1 and claims dependent thereon are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claims 1 and claims dependent thereon.

Claims 10, 12, 15, and 18 are finally rejected under 35 U.S.C. § 102(e) as being anticipated by Lai (U.S. Patent 6,323,841) (hereinafter “Lai”).

Lai does not disclose, teach, or suggest at least “configured to transfer vibrations from the vibrating element to the hand or wrist of a user of the computer mouse or trackball during use of the computer mouse or trackball” as recited in claim 10. Lai teaches that the massaging head is

configured to “not vibrate to affect the operation of the mouse (emphasis added) (Lai, col. 3, line 48).” Lai teaches:

When the rear part (20) is fitted onto the front part (10), the floating button (23) is pressed to urge the contact (26) to separate from the circuit such that the circuit will be in an open status. Hence, no matter whether the spring-leaf contacts (27) contact with each other, the circuit is still in an open status, so that when the rear part (20) is connected with the front part (10) to form a whole mouse, the massaging head (21) is only a resilient soft pad and will not vibrate to affect the operation of the mouse. (emphasis added) (Lai, col. 3, lines 40-48).

Lai does not disclose, teach, or suggest at least “the computer mouse or trackball is configured to transfer vibrations from the vibrating element to the hand or wrist of a user of the computer mouse or trackball during use of the computer mouse or trackball (emphasis added)” as recited in claim 10. Applicant respectfully asserts claim 10 and claims dependent thereon are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claims 10 and claims dependent thereon.

**C. 35 U.S.C. §103 Rejections**

Claims 11 and 13-14 are finally rejected under 35 U.S.C. §103(a) as being unpatentable over Lai in view of Moriyasu (U.S. Patent 5,857,986) (hereinafter “Moriyasu”). Applicant respectfully disagrees with the rejections. Applicant respectfully asserts claims 11 and 13-14, dependent on patentably distinct claim 10, are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claims 11 and 13-14.

Claim 16 is finally rejected under 35 U.S.C. §103(a) as being unpatentable over Lai (U.S. Patent 6,323,841) in view of Wright, Sr. (U.S. Patent 5,686,005) (hereinafter “Wright”). Applicant respectfully disagrees with the rejections. Applicant respectfully asserts claim 16, dependent on patentably distinct claim 10, is allowable for at least the above reasons. Applicant

respectfully requests the Examiner withdraw the rejection to claim 16.

Claim 17 is finally rejected under 35 U.S.C. §103(a) as being unpatentable over Lai in view of Rosenberg (U.S. Patent 6,353,427) (hereinafter “Rosenberg”). Applicant respectfully disagrees with the rejections. Applicant respectfully asserts claim 17, dependent on patentably distinct claim 10, is allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claim 17.

Claim 19 is finally rejected under 35 U.S.C. §103(a) as being unpatentable over Ramsey in view of Lai. Applicant respectfully disagrees with the rejections.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (emphasis added) *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP § 2143.03.

Neither Ramsey nor Lai disclose, teach, or suggest, at least “[a] computer mouse or trackball comprising: a heating element” as recited in claim 19. The Examiner points to Ramsey for this teaching, however, for similar reasons as presented above with respect to claim 1, Ramsey does not disclose at least this feature. In addition, Lai does not appear to discuss heating elements.

Neither Ramsey no Lai disclose, teach, or suggest, at least “the computer mouse or trackball is configured to transfer vibrations from the vibrating element to the hand or wrist of a user of the computer mouse or trackball during use of the computer mouse or trackball” as recited in claim 19. The Examiner points to Lai for this teaching, however, for similar reasons as presented above with respect to claim 10, Lai does not disclose at least this feature. In addition, Ramsey does not appear to discuss vibrating elements.

Applicant respectfully asserts claim 19 is allowable for at least the above reasons.

Applicant respectfully requests the Examiner withdraw the rejection to claim 19.

**D. New Claim**

The cited art does not disclose, teach, or suggest at least “wherein the heating element comprises at least two sheets of polymer film on the computer mouse or trackball with a heating element positioned between the at least two sheets” as recited in new claim 20. Applicant respectfully asserts new claim 20 is allowable for at least the above reasons.

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**E. Additional Remarks**

Based on the above, Applicant submits that all claims are in condition for allowance.  
Favorable reconsideration is respectfully solicited.

Applicant believes no fee is required with this response. Should any fees be required or if any fees have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5181-76500/BNK.

Respectfully submitted,



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